

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

United States of America

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§
§

vs.

NO: AU:21-CR-00121(1)-RP

(1) Manuel Leeborio Gonzalez

§

ORDER ACCEPTING REPORT AND RECOMMENDATION -
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On February 26, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant Manuel Leeborio Gonzalez, which alleged that Gonzalez violated a condition of his supervised release and recommended that Gonzalez's supervised release be revoked (Clerk's Document No. 35). A warrant issued and Gonzalez was arrested. On April 19, 2024, Gonzalez appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set..

Gonzalez appeared before the magistrate judge on May 1, 2024, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge.

Following the hearing, the magistrate judge signed his report and recommendation on May 1, 2024, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the original offense and the intervening conduct of Gonzalez, the magistrate judge recommends that this court continue Gonzalez supervised release. The magistrate judge recommends the additional following

special conditions: The defendant shall participate in, and successfully complete, an inpatient substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant has reverted to the use of drugs. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. (Clerk's Document No. 51).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On May 1, 2024, following the hearing on the motion to revoke supervised release, all parties ORALLY waived the Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge. The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and

recommendation filed in this cause.

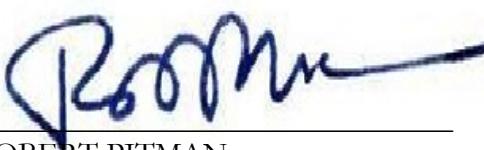
IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 51) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant Manuel Leeborio Gonzalez' term of supervised release is hereby CONTINUED. In addition, defendant Gonzalez shall comply with the following special conditions:

The defendant shall participate in, and successfully complete, an inpatient substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant has reverted to the use of drugs. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants.

IT IS FURTHER ORDERED that all prior conditions of supervised release are reimposed.

Signed this 2nd day of May, 2024.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE